

FILE COPY

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

IRENE T. LAUTA, R.N.,  
RESPONDENT.

FINAL DECISION  
AND ORDER  
LS9205111NUR

The State of Wisconsin, Board of Nursing, having considered the above-captioned matter and having reviewed the record and the Proposed Decision of the Administrative Law Judge, makes the following:

ORDER

NOW, THEREFORE, it is hereby ordered that the Proposed Decision annexed hereto, filed by the Administrative Law Judge, shall be and hereby is made and ordered the Final Decision of the State of Wisconsin, Board of Nursing.

The rights of a party aggrieved by this Decision to petition the board for rehearing and the petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated this 28 day of August, 1992.

*Jacqueline Johnson* RW MS

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	PROPOSED DECISION
	:	Case No. LS-9205111-NUR
IRENE T. LAUTA, R.N.,	:	(DOE case number 92 NUR 18)
RESPONDENT.	:	

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**PARTIES**

The parties in this matter under sec. 227.44, Wis. Stats. and sec. RL 2.036, Wis. Adm. Code, and for purposes of review under sec. 227.53, Wis. Stats. are:

Irene T. Lauta  
3645 Whitman Ave. N  
Seattle, WI 98103

Board of Nursing  
1400 East Washington Ave.  
Madison, WI 53708

Division of Enforcement  
Department of Regulation and Licensing  
P.O. Box 8935  
Madison, WI 53708

**PROCEDURAL HISTORY**

A. This case was initiated by the filing of a complaint with the Board of Nursing on May 11, 1992. A disciplinary proceeding (hearing) was scheduled for July 15, 1992. Notice of Hearing was prepared by the Division of Enforcement of the Department of Regulation and Licensing and sent by certified mail on May 11, 1992 to Irene T. Lauta, who received it on May 21, 1992.

B. No answer to the complaint was filed by Ms. Lauta.

C. All time limits and notice and service requirements having been met, the disciplinary proceeding was held as scheduled on July 15, 1992. Ms. Lauta did not appear, either in person or by attorney. The Board of Nursing was represented by Attorney Steven Gloe of the Department's Division of Enforcement. The testimony and exhibits entered into evidence at the hearing form the basis for this Proposed Decision.

## **FINDINGS OF FACT**

1. Respondent Irene T. Lauta is a registered nurse licensed in the state of Wisconsin under license number 52149.
2. Ms. Lauta's last address on file with the Board is 3645 West Fourth Street, Seattle, WA 98103. The postal receipt returned to the Board after delivery of the Notice of Hearing (exhibit 2) showed a corrected address of 3645 Whitman Ave. N., Seattle, WA 98103.
3. On March 11, 1992 the Board of Nursing of the State of Washington revoked a license issued to Ms. Lauta in that state to practice as a registered nurse (exhibit 1).

## **CONCLUSIONS OF LAW**

- I. The Board of Nursing has personal jurisdiction over the Respondent, based on fact #1 above.
- II. The Board of Nursing has jurisdiction over the subject-matter of this complaint, under sec. 15.08(5)(c), Wis. Stats, sec. 441.07, Wis. Stats, and ch. N 7, Wis. Admin. Code, based on fact #3 above.
- III. The respondent is in default under sec. RL 2.12, Wis. Admin. Code, based on paragraphs B and C above under "Procedural History," and the allegations of the complaint are therefore deemed to be admitted.
- IV. The respondent is guilty of misconduct or unprofessional conduct in violation of sec. N 7.04 (7), Wis. Admin. Code and sec. 441.07(1)(d), Wis. Stats., by having disciplinary action taken against her license to practice as a registered nurse in the state of Washington.

## **ORDER**

**THEREFORE, IT IS ORDERED** that the license previously issued to the respondent, Irene T. Lauta, be revoked, effective ten days after this order is signed on behalf of the Board of Nursing. Under sec. 441.07 (2), Wis. Stats. the respondent may apply for reinstatement no earlier than one year following revocation.

## OPINION

The respondent, Irene T. Lauta, is in default, not having answered the complaint or appeared at the hearing; the facts of the complaint are therefore deemed admitted. On March 11, 1992 the Board of Nursing of the State of Washington revoked a license issued to Ms. Lauta to practice as a registered nurse in that state. Discipline against a license in another jurisdiction is a basis for a finding of misconduct or unprofessional conduct under sec. 7.04(7), Wis. Admin. Code. Such a finding is appropriate in this case, given the factual basis as set forth in the Washington order (exhibit 1). The Washington order found, in addition to specific instances of inappropriate behavior, that Ms. Lauta was unable to practice nursing with reasonable safety and skill due to a mental and/or physical impairment, specifically a general anxiety disorder with impaired concentration and nervousness.

The discipline to be imposed upon a finding of misconduct or unprofessional conduct should be based on protection of the public, deterrence to other licensees, and rehabilitation for the offender. In this case, protection of the public is paramount, and in the absence of any information from Ms. Lauta rebutting or ameliorating the conclusion that she is unable to practice nursing with reasonable safety and skill, the appropriate discipline is revocation. Because Ms. Lauta's behavior is related to a mental impairment which is apparently uncontrollable, or at least uncontrolled, no deterrent effect on others in a similar situation can be hoped for. Nor will revocation be likely to have a rehabilitative effect on Ms. Lauta because, among other things, it will deprive her of the opportunity to practice in her chosen field.

It is entirely possible that Ms. Lauta can overcome her impairment, and upon a showing by her that she is competent to practice as a registered nurse, the Board should entertain an application by her for reinstatement, after the minimum statutory period of one year. However, in the absence of any evidence about her present health and circumstances, no alternative to revocation is practical at this time. Ms. Lauta's failure to respond in any way to the Board's complaint deprived her of an opportunity to argue her position, and indicated an uncaring and disrespectful attitude toward both her profession and the Board. The costs involved with this action have been minimal, and Ms. Lauta is more than likely in reduced circumstances, so no order that she pay the costs of this proceeding would be appropriate.

Dated July 16, 1992.



John N. Schweitzer  
Administrative Law Judge  
Department of Regulation and Licensing

## **NOTICE OF APPEAL INFORMATION**

**(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each, and the identification  
of the party to be named as respondent)**

**The following notice is served on you as part of the final decision:**

### **1. Rehearing.**

**Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Board of Nursing**

**A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.**

### **2. Judicial Review.**

**Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Board of Nursing**

**within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.**

**The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Board of Nursing.**

**The date of mailing of this decision is September, 2 1992.**